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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SAUNDRA RUBALCABA,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Civil No. 14cv1256 AJB (MDD)

ORDER:

1) ADOPTING REPORT AND
RECOMMENDATION, [Doc. No.
26];

2) DENYING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT, (Doc. No. 15];

3) GRANTING DEFENDANT'S
CROSS-MOTION FOR SUMMARY
JUDGMENT, [Doc. No. 21].

21 Pending before the Court Plaintiff's Motion for Summary Judgment, (Doc. No. 15)
22 and Defendant's Cross-Motion for Summary Judgment (Doc. No. 21). The Court referred
23 the matter to Magistrate Judge Mitchell D. Dembin.

24 On May 20, 2014, Plaintiff filed a complaint pursuant to the Social Security Act, 42
25 U.S.C. § 405(g), challenging the Commissioner of the Social Security Administration's
26 denial of disability benefits. (Doc. No. 1.) On October 14, 2014 the Commissioner filed an
27 answer. (Doc. No. 11.) On November 24, 2014, Plaintiff filed a Motion for Summary
28 Judgment requesting reversal of the Administrative Law Judge's ("ALJ") final decision.


(Doc. No. 15.) Magistrate Judge Dembin's Report and Recommendation ("R&R") recommends this Court deny Plaintiff's Motion for Summary Judgment, grant Defendant's Cross-Motion for Summary Judgment, and affirm the ALJ's decision. (Doc. No. 26.) The parties were instructed to file written objections to the R&R no later than September 2, 2015, and replies no later than September 9, 2015. (*Id.* at 15.) As of the date of this order, neither party has filed an objection to the R&R.

Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district judge's duties in connection with a magistrate judge's report and recommendation. The district judge must "make a de novo determination of those portions of the report to which objection is made," and "may accept, reject, or modify, in whole or in part, the finding or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *see also United States v. Remsing*, 874 F.2d 614, 617 (9th Cir. 1989). However, in the absence of timely objection(s), the Court "need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), Advisory Committee Notes (1983); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

Here despite being represented by counsel, Plaintiff has failed to file timely objections to the R&R. Having reviewed the R&R, the Court finds that Magistrate Judge Dembin's R&R is thorough, well reasoned, and contains no clear error. Accordingly, the Court hereby: (1) **ADOPTS** Magistrate Judge Dembin's Report and Recommendation in its entirety; (2) **DENIES** Plaintiff's Motion for Summary Judgment; and (3) **GRANTS** Defendant's Cross-Motion for Summary Judgment. The Clerk of Court is directed to close the case.

IT IS SO ORDERED.

DATED: September 4, 2015


 Hon. Anthony J. Battaglia
 U.S. District Judge